

Permitting & Assistance Branch Staff Report
Modified Solid Waste Facilities Permit for the
San Francisco Solid Waste Transfer and Recycling Center
SWIS No. 38-AA-0001
July 11, 2017

Background Information, Analysis, and Findings:

This report was developed in response to the San Francisco Environmental Health Branch of the San Francisco Department of Public Health, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for the San Francisco Solid Waste Transfer and Recycling Center, SWIS No. 38-AA-0001, located in in the City and County of San Francisco and owned and operated by Recology San Francisco. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on May 14, 2017. New proposed permits were received on May 16, 2017, June 12, 2017 and June 29, 2017. Action must be taken on this permit no later than August 28, 2017. If no action is taken by August 28, 2017, the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2010)	Proposed Permit
Permitted Traffic Volume	1,100 Vehicles per Day	1,117 Vehicles per Day (VPD), average calculated on a seven day per week annual basis, and 1,413 Vehicles per Day (VPD) on a peak day.
Facility Address	510 Tunnel Road, San Francisco	501 Tunnel Road, San Francisco

Other Changes Include: Updating permit conditions to current standards and updating the list of the conditioning documents.

Key Issues:

The proposed permit modification will allow for an update to reflect an average of 1,117 vehicles per day with a peak of 1,413 vehicles per day.

Background:

This is an existing facility that serves as the collection, processing, and transfer point for wastes from residences and businesses in the City and County of San Francisco and surrounding areas. The facility is owned and operated by Recology San Francisco (RSF), a subsidiary of Recology, Inc.

Findings:

Staff recommends concurrence in the issuance of the proposed modified SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated May 14, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on May 27, 2016. The LEA provided a copy to the Department on May 30, 2016. Changes identified in the review are reflected in this permit modification.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received most recent version of the proposed Solid Waste Facilities Permit on June 29, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on May 16, 2017 provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Nondisposal Facility Element , as described in the memorandum dated June 12, 2017.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	Permitting and Assistance Branch staff found that the facility was in compliance with all operating and design requirements during an inspection conducted on June 23, 2017. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on May 16, 2017, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on April 11, 2017. Oral and written comments were received by the LEA. Comments were addressed by LEA staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

Permitting and Assistance Branch staff conducted a pre-permit inspection on June 23, 2017, and found that the facility is in compliance with applicable state minimum standards.

Below are the details of the facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2016-2017 (September - May) – Nine consecutive violations of PRC 440004– Significant Change to the Solid Waste Facility Permit for exceedance of the traffic limit of 1,100 Vehicles Per Day.
- 2016 (March) - One violation of 14 CCR Section 17410.4 – Vector, Bird and Animal Control.
- 2015 (August, December) – Two violations of 14 CCR Section 17410.4 – Vector, Bird and Animal Control.
- 2012 – 2014 - No violations were noted.

The PRC violation will be addressed by issuance of the proposed modified permit. All state minimum standards violations were corrected to the satisfaction of the LEA.

Environmental Analysis:

The change that will be authorized by the issuance of the proposed permit is:

- The permitted vehicle count of 1,100 vehicles will be updated to reflect an average of 1,117 vehicles/day with a peak of 1,413 vehicles/day.

This change is supported by a February 15, 2017, memorandum from the San Francisco Planning Department, which states that the proposed change at the facility would not be a project under as it represents current conditions and “since these conditions already occur on the site as part of existing conditions, the proposed permit revision is not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it does not result in a physical change in the environment.”

The LEA has determined that, pursuant to 14 CCR, Section 15301, issuing this permit would fall under Categorical Exemption, Class 1 – Existing Facilities. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency’s initial approval of the project. A Notice of Exemption will be prepared by the LEA and filed with the San Francisco County Clerk within five days of issuance of the modified permit.

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this modified SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

Department staff conducted a preliminary review to determine whether a Categorical Exemption is adequate for the Department’s concurrence on this modified SWFP. Department staff made the finding/determination that a Categorical Exemption, 14 CCR, Section 15301 – Existing Facilities was adequate for the Department’s concurrence of this modified SWFP. Staff’s finding is based on the premise that there is “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.”

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department’s concurrence of the modified SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed modified SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief’s environmental evaluation of the proposed project for those project activities which are within the Department’s expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the Notice of Exemption,

and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on April 11, 2017, at the San Francisco Solid Waste Transfer and Recycling Center, in the City of San Francisco. Five members of the public attended and commented on the traffic issue, the availability of the application form, the purpose of the informational meeting, and operational issues such as noise, dust, vectors at the site. The LEA and operator were present and addressed all questions received during the meeting. Two written comments received and responded to by the LEA.

Department staff provided opportunities for public comment during the CalRecycle Monthly Public Meetings on May 16, 2017, and June 20, 2017. No comments were received by Department staff.